

**Notice of Allowability**

Application No.

10/776,868

Examiner

Nasser Ahmad

Applicant(s)

ZANCHETTA ET AL.

Art Unit

1772

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/18/2006.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> .                      |

Continuation of Attachment(s) 9. Other: Drawings filed on 2/11/04 are accepted by the examiner.

### **EXAMINER'S AMENDMENT**

1. Authorization for this examiner's amendment was given in a telephone interview with David I. Roche on May 24, 2006.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Specification, page-1, under "RELATED APPLICATION", line-3, after "10/131,842, the phrase - - , now U.S. Patent No. 6,696,125- - has been added.

Claims 26-27, line 1, the numeral "23" has been changed to - -25- -.

Claims 30-31, line 1, the numeral "26" has been changed to - -29- -.

Claims 36-39, line 1, the numeral "31" has been changed to - -35- -.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on March 20, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6696125 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. The terminal disclaimer filed on May 18, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Application Serial no. 10/776863 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

A review of applicant's arguments in amendment filed on December 21, 2005 and a review of the instant claimed invention has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach a self-adhering underlayment for metal roofing comprising a dual-compound composite sheet having a carrier sheet sandwiched between a top layer and a bottom layer. The top layer comprises a mixture of polypropylene modifiers comprised of isotactic polypropylene, ethylene-propylene copolymer, atactic polypropylene and polyethylene; filler and asphalt. The bottom layer comprises a self-adhesive compound mixture of styrene-butadiene-styrene copolymer, styrene-isoprene-styrene copolymer, hydrocarbon tackifying resins and asphalt.

Also no evidentiary support could be provide to support the position that the claimed invention would have been obvious over the prior art of record discussed above.

The closest prior art of FENSEL (USP 6641896) teaches a self-adhering underlayment that is impregnated with bitumen-based composition but fails to teach all the materials for the top and the bottom layers forming the dual-compound underlayment.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772  
5/24/06

N. Ahmad.  
May 24, 2006.